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Attorneys for Defendants
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHRISTOPHER J. HADNAGY, an individual;
and SOCIAL-ENGINEER, LLC, a
Pennsylvania limited liability company,

Plaintiffs,

v.

JEFF MOSS, an individual; DEF CON
COMMUNICATIONS, INC., a Washington
corporation; and DOES 1-10; and ROE
ENTITIES 1-10, inclusive,

Defendants.

Case No.: 2:23-cv-01345

**STIPULATION FOR STAY OF
DISCOVERY PENDING
RESOLUTION OF DEFENDANTS'
MOTION TO DISMISS (ECF NO. 13)
AND MOTION TO TRANSFER (ECF
NO. 15)**

(First Request)

Plaintiffs Christopher Hadnagy and Social-Engineer LLC ("Plaintiffs") by and through
their counsel of record, Riklis Law, PLLC and Defendants Jeff Moss and Def Con

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1 Communications (“Defendants”) by and through their counsel of record, Holland & Hart LLP
2 and Perkins Coie LLP, hereby stipulate as follows:

3 1. Plaintiffs filed their Complaint in the Eighth Judicial District Court in and for
4 Clark County, Nevada, Case No. A-23-875618-C on August 9, 2023. *See* ECF No. 1.

5 2. Defendants accepted service of the Complaint in Las Vegas, Nevada on August
6 10, 2023.

7 3. Defendants filed their Notice of Removal on Tuesday, August 29, 2023. ECF No.
8 1.

9 4. Pursuant to an Order Granting Stipulation for Extension of Time to Respond to
10 Complaint (ECF No. 9), Plaintiffs agreed to provide Defendants with an extension of time to
11 respond to the Complaint in order to accommodate the travel schedules of Defendants’ case
12 team. Accordingly, Defendants filed a Motion to Dismiss on October 2, 2023. *See* ECF No. 13.

13 5. Defendants’ Motion to Dismiss seeks dismissal of Plaintiffs’ Complaint pursuant
14 to Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction and pursuant to Fed. R. Civ. P.
15 12(b)(6) for failure to state a claim upon which relief can be granted as to all claims asserted in
16 the Complaint. *See generally* ECF No. 13.

17 6. Defendants filed a Motion to Transfer Venue to the Federal District Court of
18 Western Washington on October 16, 2023. *See generally* ECF No. 15.

19 7. Prior to and at a preliminary conference between the parties pursuant to Fed. R.
20 Civ. P. 26(f), Defendants requested a stipulation to stay discovery and expressed their intent to
21 file a motion to stay discovery pending the resolution of the foregoing Motion to Dismiss and
22 Motion to Transfer Venue, ECF Nos. 13 and 15 (Defendants’ “Motions”). Plaintiffs originally
23 declined to stipulate to a temporary stay of discovery due to Plaintiffs’ desire to avoid further
24 delay in proceeding into discovery. After deliberations between the parties, Plaintiffs agreed to
25 the instant stipulation for a temporary stay of discovery and compliance with Local Rule 26-1
26 and Fed. R. Civ. P. 26(f) in order to avoid additional motion practice before the Court.
27 Specifically, the Parties agree to temporarily stay discovery in this matter until the Court
28 adjudicates Defendants’ Motions.

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1 8. The parties also held preliminary discussions regarding topics mandated for
2 discussion under Fed. R. Civ. Pr. Rule 26(f) including the scope and scale of discovery in this
3 case. The parties have conducted initial investigations in this matter as well as in the previously
4 filed iteration in the Federal District Court of Pennsylvania; in light of the same, no parties
5 foresee the need to go beyond the maximum number of Interrogatories and depositions
6 prescribed by the Federal Rules of Civil Procedure. The parties have discussed and agreed that
7 all fact and expert discovery (including written discovery and depositions) can be completed
8 within one hundred and eighty (180) days from receipt of an Order ruling on Defendants'
9 Motions.

10 9. Additionally, the parties have agreed to serve their initial disclosures pursuant to
11 Fed. R. Civ. P. 26(a)(1) on or before November 21, 2023.

12 10. In addition, during the pendency of the stay of discovery, the parties have agreed
13 to negotiate terms of a stipulated protective order and a protocol governing discovery of
14 electronically stored information.

15 11. The parties further agree to submit a proposed discovery plan and scheduling
16 order in compliance with Local Rule 26-1(b) within 14 days after receipt of an Order denying
17 Defendants' pending Motions.¹

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28 ¹ Defendants reserve their rights to seek further relief in the event the Court does not deny
Defendants' Motion to Dismiss in its entirety.

12. Accordingly, the parties have agreed to stipulate to temporarily stay discovery in this matter pending the Court's adjudication of Defendants' Motions, and to allow the parties to submit their Proposed Discovery Plan and Scheduling Order pursuant to LR 26-1 within 14 days after the Court's adjudication of Defendants' pending Motions.

DATED this 17th day of November 2023.

DATED this 17th day of November 2023.

HOLLAND & HART LLP

RIKLIS LAW, PLLC

/s/ Robert J. Cassity

/s/ Kristofer Z. Riklis

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Attorneys for Defendants
Jeff Moss and DEF CON Communications,
Inc.

ORDER

IT IS SO ORDERED.

U.S. DISTRICT/MAGISTRATE JUDGE

Dated: _____

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